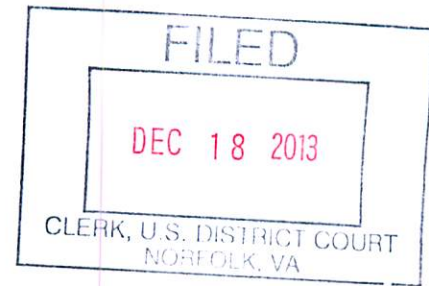


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



RICHARD CURRY (#1442433),

Petitioner,

v.

ACTION NO. 2:13CV129

HAROLD W. CLARKE, Director,
Virginia Department of Corrections,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violations of federal rights pertaining to petitioner's convictions in March, 2011, in the Circuit Court of Norfolk, Virginia for robbery, attempted robbery, two counts of use of a firearm during the commission of a felony, two counts of conspiracy to commit robbery, and malicious discharge of a firearm. Petitioner was sentenced to serve eighty-eight(88) years in prison, with seventy (70) years suspended, giving him an active total prison time to serve of eighteen (18) years.

The matter was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia.

The Report and Recommendation filed November 20, 2013 recommends

dismissal of the petition. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On November 26, 2013, the Court received respondent's Objections to the Report and Recommendation. The petitioner filed no objections to the Report and Recommendations, nor did he file a response to respondent's objections, and the time for responding has now expired.


The Court, having reviewed the record and examined the objections filed by petitioner to the Report and Recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation filed November 20, 2013. It is, therefore, ORDERED that Respondent's Motion to Dismiss be GRANTED and the Petitioner's petition be DENIED and DISMISSED with prejudice.

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment.

Petitioner has failed to demonstrate Aa substantial showing of the denial of a constitutional right, therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v.

Cockrell, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall mail a copy of this Final Order to petitioner and counsel of record for respondent.

/s/ 

REBECCA BEACH SMITH
CHIEF UNITED STATES DISTRICT JUDGE

December 18, 2013